

2013 DRAFTING REQUEST

Bill

Received:	3/3/2014	Received By:	tkuczens
Wanted:	As time permits	Same as LRB:	
For:	Melissa Sargent (608) 266-0960	By/Representing:	Hayley Young
May Contact:		Drafter:	tkuczens
Subject:	Education - school boards	Addl. Drafters:	
		Extra Copies:	pg, flk

Submit via email: **YES**
 Requester's email: **Rep.Sargent@legis.wisconsin.gov**
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Teen dating violence education

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 3/3/2014	scalvin 3/4/2014		_____			
/P1	tkuczens 3/10/2014	scalvin 3/10/2014	rschluet 3/4/2014	_____	lparisi 3/4/2014		State S&L
/P2	tkuczens 3/12/2014	scalvin 3/12/2014	rschluet 3/10/2014	_____	sbasford 3/10/2014		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			rschluet 3/12/2014	_____ _____	srose 3/12/2014	lparisi 3/12/2014	State S&L

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03/12/2014

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3/12/14

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/P1			rschluet 3/4/2014		lparisi 3/4/2014		State S&L
FE Sent For:	1P2 sac 03/10/2014	1P2 sac 03/10/2014					

Handwritten notes: 3/10/14, JM

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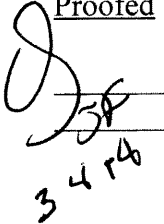
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/?	tkuczens	/P1 Sac 03/04/2014	/P1 sac 03/04/2014	 3 4 r4			

FE Sent For:

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Kuczenski, Tracy

From: Grant, Peter
Sent: Friday, February 07, 2014 4:39 PM
To: Kuczenski, Tracy
Subject: FW: Drafting requestion for Rep. Sargent

Could you do this one? I drafted it in 2011, but they want some additions and I suspect they really want the bill for next session.

From: Young, Hayley
Sent: Friday, February 07, 2014 12:28 PM
To: Grant, Peter
Subject: Drafting requestion for Rep. Sargent

Hello,

Rep. Sargent would like to draft a bill similar to AB694 from the 2011 session (WI) and an Ohio law (http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_19) which changes health education standards to include dating violence education. If not already part of DPI health standards, we would also like to have a discussion of what constitutes consent as part of the curriculum as a whole, so that the bill is structured to include a discussion of teen dating violence and what constitutes consent as part of DPI's model academic standards.

Please let us know if you have any questions about the drafting instructions.

Thanks,
Hayley Young
Office of Representative Melissa Sargent
(608) 266-0960

add to 118.019 (2m) ?
118.33 (1)(a) 2.

AN ACT

To amend sections 3313.60, 3313.666, 3314.35, 3319.073, 3319.39, and 3327.10 of the Revised Code to enact the "Tina Croucher Act" to require public schools to incorporate dating violence into their policies prohibiting harassment, intimidation, or bullying; to require school districts to include dating violence prevention education in the health curriculum; to clarify the conditions under which a community school must close for poor academic performance; and to revise the criminal offenses that disqualify school bus drivers for employment.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3313.60, 3313.666, 3314.35, 3319.073, 3319.39, and 3327.10 of the Revised Code be amended to read as follows:

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city and exempted village school district, the governing board of each educational service center, and the board of each cooperative education school district established pursuant to section 3311.521 of the Revised Code shall prescribe a curriculum for all schools under their control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as

well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated

students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) Except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitutions of the United States and of Ohio.

(D) Except as provided in division (E) of this section, basic instruction in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curriculums for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

- (1) Any survey or questionnaire, prior to its administration to the child;
- (2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;
- (3) Any completed and graded test taken or survey or questionnaire filled out by the child;
- (4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.666. (A) As used in this section, "harassment, intimidation, or bullying" means ~~any~~ either of the following:

(1) Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both:

~~(1)~~(a) Causes mental or physical harm to the other student;

~~(2)~~(b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

(2) Violence within a dating relationship.

(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:

(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property or at school-sponsored events;

(2) A definition of harassment, intimidation, or bullying that shall include the definition in division (A) of this section;

(3) A procedure for reporting prohibited incidents;

(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;

(5) A requirement that parents or guardians of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended, have access to any written reports pertaining to the prohibited incident;

(6) A procedure for documenting any prohibited incident that is reported;

(7) A procedure for responding to and investigating any reported incident;

(8) A strategy for protecting a victim from additional harassment, intimidation, or bullying, and from retaliation following a report;

(9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student's rights under the first amendment to the Constitution of the United States;

(10) A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site,

to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended.

(C) Each board's policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. Information regarding the policy shall be incorporated into employee training materials.

(D) A school district employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this section if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in the policy.

(E) Except as provided in division (D) of this section, nothing in this section prohibits a victim from seeking redress under any other provision of the Revised Code or common law that may apply.

(F) This section does not create a new cause of action or a substantive legal right for any person.

(G) Not later than six months after the effective date of this amendment, each board shall update the policy adopted under this section to include violence within a dating relationship.

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2008, but before July 1, 2009:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years.

(iii) For two of those school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school satisfies all of the following conditions:

(i) The school offers any of grade levels ten to twelve.

(ii) The school has been declared to be in a state of academic emergency

under section 3302.03 of the Revised Code for three consecutive school years.

(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(2) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(3) This section does not apply to either of the following:

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code;

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code

after the school closes.

(C) Not later than July 1, 2008, the department shall determine the feasibility of using the value-added progress dimension, as defined in section 3302.01 of the Revised Code, as a factor in evaluating the academic performance of community schools described in division (A)(1)(c)(i) of this section. Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, if the department determines that using the value-added progress dimension to evaluate community schools described in division (A)(1)(c)(i) of this section is not feasible, a community school described in that division shall be required to permanently close under this section only if it has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.

(D) In accordance with division (B) of section 3314.012 of the Revised Code, the department shall not consider the performance ratings assigned to a community school for its first two years of operation when determining whether the school meets the criteria prescribed by division (A)(2) of this section. The department shall reevaluate each community school that the department directed to close at the conclusion of the 2009-2010 school year to determine if the school still meets the criteria prescribed by division (A)(2) of this section when the school's performance ratings for its first two years of operation are not considered and, if the school no longer meets those criteria, the department shall not require the school to close at the conclusion of that school year.

Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator on March 30, 2007, shall complete at least four hours of the in-service training not later than March 30, 2009, and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a

nurse, teacher, counselor, school psychologist, or administrator on ~~the effective date of this amendment~~ October 16, 2009, shall complete at least four hours of the in-service training not later than ~~two years after the effective date of this amendment~~ October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training in the prevention of dating violence into the in-service training required by division (A) of this section for middle and high school employees. The board shall develop its own curriculum for this purpose.

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant:

(a) The applicant is applying to be an instructor of adult education.

(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records

check.

(2) A person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the board of education of a school district, governing board of an educational service center, or governing authority of a chartered nonpublic school shall not employ that applicant for any position.

(B)(1) Except as provided in rules adopted by the department of education in accordance with division (E) of this section and as provided in division (B)(3) of this section, no board of education of a school district, no governing board of an educational service center, and no governing authority of a chartered nonpublic school shall employ a person if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of

the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.

(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C)(1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the appointing or hiring officer of the board or governing authority.

(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C)(1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's

representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B)(1) or (3) of this section but who meets standards in regard to rehabilitation set by the department.

The department shall amend rule 3301-83-23 of the Ohio Administrative Code that took effect August 27, 2009, and that specifies the offenses that disqualify a person for employment as a school bus or school van driver and establishes rehabilitation standards for school bus and school van drivers.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for the school district, educational service center, or school for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a board of education, governing board of an educational service center, or a chartered nonpublic school, except that "applicant" does not include a person already employed by a board or chartered nonpublic school who is under consideration for a different position with such board or school.

(2) "Teacher" means a person holding an educator license or permit issued under section 3319.22 or 3319.301 of the Revised Code and teachers in a chartered nonpublic school.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks

of substitute teachers and substitutes for other district employees under this section, the appointing or hiring officer of such educational service center shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers and other substitute employees for the local district.

Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the superintendent of schools, in case such person is employed by the board of a city or exempted village school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.

(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery or osteopathic medicine and surgery;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.

(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.

(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:

(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.

(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

(F)(1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record.

(2) The owner of a school bus or motor van shall not permit a person to

operate the school bus or motor van for six years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance.

(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the state board of education prescribing qualifications of drivers of school buses and other student transportation.

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J)(1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and every six years

thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department of education and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(K) Any (1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of

this section and has been convicted of or pleaded guilty to any offense described in division ~~(C)~~(B)(1) of section ~~3319.34~~ 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed by the rule.

SECTION 2. That existing sections 3313.60, 3313.666, 3314.35, 3319.073, 3319.39, and 3327.10 of the Revised Code are hereby repealed.

SECTION 3. This act shall be known as the "Tina Croucher Act."

SECTION 4. Not later than six months after the effective date of this section, the State Board of Education shall update its model policy to prohibit harassment, intimidation, or bullying adopted under section 3301.22 of the Revised Code to include violence within a dating relationship.

Sub. H. B. No. 19

128th G.A.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 19

128th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3786/1

PC:med:ff

d-note

SAC insert

2013
2011 ASSEMBLY BILL 694

3/3/14 soon

March 13, 2012 - Introduced by Representatives E. COGGS and YOUNG, cosponsored by Senator TAYLOR. Referred to Committee on Education.

1 AN ACT *to create* 118.0195 of the statutes; **relating to:** teen dating violence
2 education.

and establishes

Analysis by the Legislative Reference Bureau

This bill requires schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and requires the Department of Public Instruction (DPI) to incorporate teen dating violence and sexual violence curriculum into its model health curriculum. Specifically, the bill:

1. Authorizes a school district to provide teen dating violence prevention education, consisting of age-appropriate instruction, as part of the health education program it provides to pupils in grades 7 to 12.

2. Requires a school district that elects to offer teen dating violence prevention education to include instruction and materials regarding teen dating violence and sexual violence that include methods for doing all of the following:

a) Recognizing what constitutes a healthy relationship.
b) Identifying teen dating violence, abusive behavior, physical intimidation, stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual violence, sexual assault, and Internet abuse and cyberbullying.

c) Locating sources for legal, medical, mental health, and other supportive services regarding teen dating violence.

3. Requires a school district that elects to offer teen dating violence prevention education to satisfy certain criteria. The information must be medically accurate and objective, age appropriate, and available to English learners, encourage communication with parents, and teach respect for marriage and committed relationships.

the instructional program offered by the

ASSEMBLY BILL 694

4. Requires each school district that provides teen dating violence prevention education to notify the parent or guardian of each pupil about instruction planned for the coming year. The notice must inform the parent or guardian of all of the following:

- a) That educational materials are available for inspection.
- b) Whether the prevention education will be taught by school personnel or by outside consultants. If the instruction is by consultants, the notice must specify the date of instruction, name of the organization of each speaker, and a statement of the right of parents to request a copy of the statute.
- c) An explanation of the right to request a copy of the statute.
- d) That the parent may request in writing that his or her child not participate in teen dating violence prevention education.
- e) That upon written request to the school principal, a parent must be allowed to examine the instructional materials at the school in which the child is enrolled.

5. Authorizes anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including questionnaires and surveys containing age-appropriate questions about the pupil's attitudes concerning teen dating violence to be administered to any pupil in grades 7 to 12. The questionnaire or survey may be given only if the parent is first notified in writing that it is going to be administered and the pupil's parent is given the opportunity to review the questionnaire or survey and to request in writing that his or her child not participate.

6. Prohibits a pupil from attending any class in teen dating violence prevention education, or participating in any questionnaire or survey, if the school has received a written request from the pupil's parent excusing the pupil from participation. The bill also prohibits a pupil from being subject to disciplinary action, academic penalty, or other sanctions if the pupil's parent declines to permit the pupil to receive teen dating violence prevention education or to participate in a questionnaire or survey. The bill requires schools to provide an alternative educational activity for pupils who are not participating in teen dating violence prevention education or the questionnaire or survey.

7. Authorizes schools to use school district personnel or outside consultants who are trained in the appropriate courses.

Finally, the bill requires DPI to incorporate teen dating violence and sexual violence curriculum into the model health curriculum. The bill requires DPI to consult with the Department of Health Services, the Attorney General, and domestic violence and sexual assault prevention advocates for advice on the development of grade-level concepts and content guidelines to be incorporated into the health education program currently taught in grades 7 to 12.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 694

x

SECTION 1. 118.0195 of the statutes is created to read:

118.0195 Teen dating violence education. (1) In this section:

(a) "Abuse of property" means damaging or destroying the property of another.

(ag) "Abusive behavior" means intimidation, threats, or harassment, whether direct, by electronic means, or through other persons, and includes the use of put downs; name calling; insults; offensive, sexually explicit, or homophobic language; screaming; or yelling.

(ar) "Child with a disability" has the meaning given in s. 115.76 (5).

(b) "Dating partner" means any person involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

(c) "Healthy relationship" means an equal relationship free from abusive, violent, and controlling behavior in which each person respects the other's right to have his or her own opinions, friends, and activities, and each person can openly communicate with the other person.

(d) "Inappropriate sexual behavior" means any unwanted sexual contact including touching, kissing, caressing, and rubbing.

(e) "Internet abuse or cyberbullying" means abusive behavior using electronic means, including cell phone texting, electronic mail, Internet Web postings, blogs, or social networking sites.

(g) "Obscene material" means sexually explicit notes, graffiti, drawings, photos, or any other material that is made to be or is otherwise presented in a sexually explicit nature.

having a sexually explicit nature or

Manner

ASSEMBLY BILL 694

SECTION 1

(h) "Physical abuse" means shaking, arm twisting, pushing, hitting, kicking, slapping, choking, hair pulling, physical intimidation, or any behavior that may result in injury.

(i) "Physical intimidation" means an attempt to frighten or coerce another person by restraining him or her, blocking his or her movements or exits, punching walls, or throwing ~~things~~ ^{objects}.

(j) "Sexual assault" means any offense specified s. 940.225, 948.02, 948.025, or 948.09.

(k) "Sexual harassment" means any unwanted sexual attention, including catcalls, ~~verbal~~ ^{oral} or written comments about a person's body or sexual conduct, sexual gestures, ~~or spreading sexual gossip or graffiti~~ ^{writing graffiti}.

(L) "Sexual violence" means sexual assault, sexual abuse, or sexual stalking of a minor child or teenager, including acts committed by perpetrators who are strangers to the victim and by perpetrators who are known by, or related by blood or marriage to, the victim.

(m) "Stalking" means willfully and repeatedly following or harassing another person or making a threat with the intent to place that person in fear for his or her safety or the safety of his or her family.

(n) "Teen dating violence" means a pattern of behavior in which a person ~~uses~~ ^{attempts to control his or her} abusive behavior, threats of physical abuse, ~~or actual physical abuse~~ ^{current or former dating partner through}, sexual abuse, or emotional abuse ~~to control his or her current or former dating partner~~ ^{if one or both} of the partners is a teenager. ^{and}

(p) "Written material" means notes, graffiti, drawings, photos, obscene material, or any other printed, electronic, or written expressions.

ASSEMBLY BILL 694

^{Each}
(2) (a) ~~A~~ school board may provide teen dating violence prevention education consisting of age-appropriate instruction as part of the health education program it provides to pupils in grades 7 to 12. A school board may use school district personnel or outside consultants who are trained in the appropriate courses to provide this additional instruction. Insert 5-5

(b) A school board that elects to offer teen dating violence prevention education under this section shall include instruction and materials regarding teen dating violence and sexual violence that include methods for all of the following:

1. Recognizing what constitutes a healthy relationship.
2. Identifying teen dating violence, abusive behavior, physical intimidation, stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual violence, sexual assault, and Internet abuse and cyber bullying.
3. Locating sources for legal, medical, mental health, and other supportive services regarding teen dating violence.

^{Each}
(c) ~~A~~ school board ~~that elects to offer teen dating violence prevention education~~ under this section shall satisfy all of the following criteria:

1. Instruction and materials shall be age appropriate. *ensure that the instructional program satisfies*
2. All factual information presented shall be medically accurate and objective.
3. Instruction shall be made available on an equal basis to a pupil who is an English learner.
4. Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds and with children with disabilities.

shall include as part of the health education program it provides to pupils in grades 7 to 12 age-appropriate instruction in the prevention of teen dating violence

1 5. Instruction and materials shall be accessible to children with disabilities,
2 including the provision of a modified curriculum, materials, and instruction in
3 alternative formats, and auxiliary aids.

4 6. Instruction and materials shall encourage a pupil to communicate with his
5 or her parents or guardians about human sexuality, and should provide the skills to
6 initiate those discussions.

7 7. Instruction and materials shall teach respect for marriage and committed
8 relationships that are voluntary, healthy, and safe.

9 8. Instruction and materials shall teach pupils the skills to recognize and aspire
10 to healthy, respectful relationships including all of the following:

11 a. Communication skills that help pupils discuss and resolve conflicts within
12 intimate relationships with respect and nonviolence.

13 b. Critical thinking skills.

14 c. Skills to negotiate with an intimate partner.

15 d. Skills for pupils to recognize and understand their own individual
16 boundaries, and recognize and respect the boundaries of others.

17 9. Instruction and materials shall not teach or promote religious doctrine.

18 10. Instruction and materials shall not reflect or promote bias against any
19 person on the basis of any category protected under s. 118.13.

20 (3) (a) At the beginning of each school term, or, for a pupil who enrolls in a school
21 after the beginning of the school term, at the time of that pupil's enrollment, each
22 school board that provides teen dating violence prevention education under this

23 section shall notify the parent or guardian of each pupil about instruction in teen
24 dating violence prevention education and research on pupil health behaviors and
25 risks planned for the coming term. The notice shall do all of the following:

1 1. Advise the parent or guardian that written and audiovisual educational
2 materials used in comprehensive teen dating violence prevention education are
3 available for inspection.

4 2. Advise the parent or guardian whether the teen dating violence prevention
5 education will be taught by school district personnel or by outside consultants. A
6 school board may provide teen dating violence prevention education, to be taught by
7 outside consultants, and may hold an assembly to deliver teen dating violence
8 prevention education by guest speakers, but if it elects to provide teen dating
9 violence prevention education in either of these manners, the notice shall include the
10 date of the instruction, the name of the organization or affiliation of each guest
11 speaker, and information stating the right of the parent or guardian to request a copy
12 of this section.

13 3. Include information explaining the parent's or guardian's right to request a
14 copy of this section.

15 4. Advise the parent or guardian that the parent or guardian may request in
16 writing that his or her child not receive teen dating violence prevention education.

17 (b) ~~(b)~~ (am) Upon written request to the school principal, a parent or guardian of a
18 pupil less than 18 years of age, within a reasonable period of time after the request
19 is made, may examine the teen dating violence education program instructional
20 materials at the school in which his or her child is enrolled.

21 (c) ~~(b)~~ (b) Anonymous, voluntary, and confidential research and evaluation tools to
22 measure pupils' health behaviors and risks, including questionnaires and surveys
23 containing age-appropriate questions about the pupil's attitudes concerning teen
24 dating violence, may be administered to any pupil in grades 7 to 12 if the parent or
25 guardian is notified in writing that this questionnaire or survey is to be administered

ASSEMBLY BILL 694

SECTION 1

1 and the pupil's parent or guardian is given the opportunity to review the
2 questionnaire or survey and to request in writing that his or her child not participate.

3 (d) ~~and~~ (c) The use of outside consultants or guest speakers as described in par. (a) 2.
4 is within the discretion of the school board.

5 (e) ~~and~~ (d) A pupil may not attend any class in teen dating violence prevention
6 education ~~or~~ participate in any activities under par. (b) ~~if~~ (c) if the school has received a
7 written request from the pupil's parent or guardian excusing the pupil from
8 participation.

9 (f) ~~and~~ (e) A pupil may not be subject to disciplinary action, academic penalty, or other
10 sanctions if the pupil's parent or guardian declines to permit the pupil to receive teen
11 dating violence prevention education or to participate in any activities under par. (b) ~~if~~ (c)

12 (g) ~~and~~ (f) During the administration of teen dating violence prevention education or
13 a survey on pupil health behaviors and risks described in par. (b) ~~if~~ (c) an alternative
14 educational activity shall be made available to pupils whose parents or guardians
15 have requested that they not receive the instruction or participate in the
16 questionnaire or survey.

17 (4) (a) The department shall incorporate teen dating violence and sexual
18 violence curriculum into its model health ~~curriculum~~ ^{problems education}.

19 (b) The department shall consult with the department of health services, the
20 attorney general, and domestic violence and sexual assault prevention advocates for
21 advice on the development of grade-level concepts and content guidelines to be
22 incorporated into the health education program currently taught at secondary
23 schools to pupils in grades 7 to 12. Materials produced under this paragraph shall
24 focus on educating pupils regarding teen dating violence, sexual violence, and
25 healthy relationships ~~and~~ and shall include all of the following (c)

ASSEMBLY BILL 694

1 (c) Teen dating violence and sexual violence education materials and
2 instruction shall include all of the following:

- 3 1. Definitions of teen dating violence and sexual violence.
4 2. Skills for recognizing teen dating violence warning signs.
5 3. Characteristics of healthy relationships.
6 ④ Relevant information about legal, medical, and mental health services.

7

5①

(END)

914① = The meaning of ^{Consent} consent / in ^{and communicating the giving or withholdin} of consent ①

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4369/?ins
TKK:.....

no 9

INSERT 5-5

1

Each school board shall provide in-service and other training in the prevention

2

of teen dating violence to middle school and high school teachers~~✓~~

and administrators

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4369/01n

TKK:.....

Sac

- date -

Representative Sargent;

This bill modifies 2011 Assembly Bill 694 to require, rather than permit, school districts to offer an instructional program in teen dating violence prevention as part of the health education program offered to pupils as required under s. 118.33 (1) (a) 2. Your assistant, Hayley Young, included a link to Ohio Substitute House Bill Number 19 (128th General Assembly), which makes such instruction mandatory, with the drafting request. The bill also incorporates a few select provisions of Ohio bill, which I was able to access through this Internet link. Note that the Ohio bill includes a definition for "harassment, intimidation, and bullying" that includes "violence within a dating relationship." I did not include that portion of the Ohio bill in this bill.

Currently, Wisconsin's law governing bullying in the school environment (s. 118.46, stats.) does not include a definition for "bullying." Instead, s. 118.46 (1)(a) requires DPI to have developed a model school policy on bullying by March 1, 2010; DPI must include in its model policy a definition of bullying. Section 118.46 does not require DPI to update or otherwise modify its bullying policy.

Do you want to require DPI to modify its bullying policy to include "violence within a dating relationship" in its model school policy on bullying?

After you have had an opportunity to review the bill, let me know if you have any questions or wish to make any changes. If you are comfortable with the bill as drafted, I will prepare it for introduction.

Tracy K. Kuczenski
Senior Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

Also, do you want to add an Initial Applicability provision to provide DPI with time to modify the model health education curriculum for school boards to use?

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4369/P1dn

TKK:sac:rs

March 4, 2014

Representative Sargent;

This bill modifies 2011 Assembly Bill 694 to require, rather than permit, school districts to offer an instructional program in teen dating violence prevention as part of the health education program offered to pupils as required under s. 118.33 (1) (a) 2. Your assistant, Hayley Young, included a link to Ohio Substitute House Bill Number 19 (128th General Assembly), which makes such instruction mandatory, with the drafting request. The bill also incorporates a few select provisions of the Ohio bill, which I was able to access through this Internet link. Note that the Ohio bill includes a definition for "harassment, intimidation, and bullying" that includes "violence within a dating relationship." I did not include that portion of the Ohio bill in this bill.

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After you have had an opportunity to review the bill, let me know if you have any questions or wish to make any changes. If you are comfortable with the bill as drafted, I will prepare it for introduction.

Tracy K. Kuczenski
Senior Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

Kuczenski, Tracy

From: Young, Hayley
Sent: Wednesday, March 05, 2014 1:30 PM
To: Kuczenski, Tracy
Subject: Preliminary Draft
Attachments: 13-4369_P1dn.pdf

Hello,

In response to your questions about DPI, we would like to require DPI to modify its bullying definition and would also like to add language about Initial Applicability to the bill.

Thanks,
Hayley Young